

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
THIRD REGION**

**COLUMBIA MEMORIAL HOSPITAL**

**and**

**1199 SEIU UNITED HEALTHCARE  
WORKERS EAST**

**Cases 03-CA-120636  
03-CA-122557  
03-CA-124333  
03-CA-124803  
03-CA-124816**

**GENERAL COUNSEL’S BRIEF IN SUPPORT  
OF CROSS-EXCEPTIONS TO THE DECISION  
OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46(e) of the Board’s Rules and Regulations, Counsel for the General Counsel hereby submits this Brief in support of Cross-Exceptions to the Decision of Administrative Law Judge Kenneth W. Chu (ALJ), dated January 12, 2015, in the above-captioned cases. Under separate cover, General Counsel also files with the Board on this date an Answering Brief to Columbia Memorial Hospital’s (Respondent’s) exceptions. It is respectfully submitted that in all respects, other than what is excepted to herein, the findings of the ALJ are appropriate, proper and fully supported by the credible record.

**I. PRELIMINARY STATEMENT**

The ALJ found that Respondent committed numerous unfair labor practices. More specifically, the ALJ concluded that Respondent violated Section 8(a)(1) of the Act by promulgating and maintaining an overly broad work rule that proscribes disclosure of confidential information, including employee information. (ALJD at 30:34-37).<sup>1</sup> The ALJ also

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<sup>1</sup> Throughout this brief the following references will be used: ALJD at \_\_\_\_:\_\_\_\_ for the Administrative Law Judge’s Decision at page(s): line(s).

found that Respondent violated Section 8(a)(3) and (1) of the Act by disciplining Cindy Northrup with a verbal warning and suspension because she engaged in union activity. (ALJD at 30:27-28). The ALJ also found that Respondent violated Section 8(a)(5) and (1) of the Act by failing and refusing to furnish relevant and necessary information for the fair representation of Cindy Northrup in the grievance process and by unilaterally promulgating an access card policy. (ALJD at 30:30-33, 30:39-41).

The ALJ inadvertently omitted from his recommended Order that Respondent cease and desist from refusing to furnish to the Union information that is relevant and necessary for the processing of grievances and to the collective-bargaining process. The ALJ also inadvertently omitted from his recommended Notice to Employees, the affirmative paragraph whereby Respondent is required to provide the requested information to the Union.

## **II. ARGUMENT**

**The ALJ inadvertently omitted from his recommended Order and Notice to Employees certain cease and desist language relating to Respondent's refusal to furnish certain information necessary and relevant to the collective-bargaining process. (Exceptions 1-2)**

In finding that Respondent violated Section 8(a)(5) and (1) of the Act by failing and refusing to furnish relevant and necessary information for the fair representation of Cindy Northrup in the grievance process, the ALJ inadvertently omitted from his recommended Order that Respondent cease and desist from refusing to furnish to the Union information that is necessary and relevant for the processing of grievances and to the collective-bargaining process. (ALJD at 30:30-32, 31:31). See Lenox Hill Hospital, 362 NLRB No. 16 (2015); Law-Den Nursing Home, Inc., 361 NLRB No. 14 (2014).

Also, the ALJ inadvertently omitted from his recommended Notice to Employees, the following paragraph:

**WE WILL** provide the Union with the information it has requested since about February 21, 2014 relating to the discipline of employee Cindy Northrup.

(ALJD at Appendix). See Lenox Hill Hospital, 362 NLRB No. 16 (2015); Law-Den Nursing Home, Inc., 361 NLRB No. 14 (2014).

### **III. CONCLUSION**

For all the reasons set forth above, General Counsel respectfully requests that the Board grant the General Counsel's Cross-Exceptions to the Decision of the Administrative Law Judge. General Counsel further requests that the Board issue an order otherwise affirming and adopting the Decision and Recommendations of the ALJ.

**DATED** at Albany, New York, this 23rd day of February 2015.

Respectfully submitted,

/s/ John Grunert  
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